

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:05-CR-71
v.)	
)	JUDGE COLLIER
DAVID NELS JENNINGS)	MAGISTRATE JUDGE LEE

REPORT AND RECOMMENDATION

Counsel for defendant David Nels Jennings requested a psychiatric/psychological evaluation of defendant on July 7, 2005 [Doc. No. 8] and an order was entered on July 12, 2005 allowing said evaluation [Doc. No. 14]. A November 1, 2005 letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons Federal Medical Center in Lexington, Kentucky, and a Forensic Evaluation of defendant David Nels Jennings, were received by the Court. The findings in the evaluation were that the defendant was not suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings filed against him or assist his attorney in his defense, and that the defendant was sane at the time of the alleged offense. Defendant filed a Waiver of Competency Hearing pursuant to 18 U.S.C. § 4247(d) on December 6, 2005 [Doc. No. 18]. On the basis of the waiver and the evaluation, it is **RECOMMENDED** the Court find the defendant David Nels Jennings competent to understand the nature and consequences of the proceedings against him and able to assist in his defense, and further find that defendant is competent to stand trial.

SO ORDERED:

ENTER.

s/ Susan K. Lee
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE